

REMARKS

Claims 1-3, 5, 7, 10, 11, 13-15, 17, 19, and 20 were pending in the Application as of the Office Action of June 18, 2010. Claims 1 and 19 are amended with this Response. Claim 22 is added. An RCE entering this Response and removing the Application from Appeal is respectfully submitted herewith.

The Examiner's rejections will now be respectfully addressed in turn.

Objections to the Claims

Claim 19 is objected to for informality. In Response, Applicant respectfully amends claim 19.

Rejections under 35 U.S.C. §103(a)

Claims 1-3, 5, 11, 15, and 16-20 have been rejected under 35 U.S.C. §103(a) as being obvious over French Patent No. 2,769,944 to Bernard ("Bernard" hereinafter) in view of Applicant Admitted Prior Art ("AAPA" hereinafter), United States Patent No. 6,672,630 to Kraeutler ("Kraeutler" hereinafter), and United States Patent No. 4,625,786 to Carter ("Carter" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's claim 1 recites *inter alia*,

“wherein at least one pair of two stiffening bars, engaged in two mutually opposite sheaths, are connected by at least one spacer disposed between the stiffening bars, said spacer carrying a roller engageable between two tracks that are formed in each of the vertical jambs and a filler endpiece engaged on ends of each of the stiffening bars,

wherein at least two pairs of stiffening bars with spacers alternate with at least one pair of stiffening bars without spacers, in such a way that, when the curtain is in the raised position, alternate folds form symmetrically about a plane in which the door opens, the stiffening bars devoid of the spacer each having a guide endpiece that is oriented in a plane of the screen in which the bar is oriented.”

Applicant first and respectfully asserts that none of Bernard, AAPA, Kraeutler, and Carter taken alone or in combination, teach guide end pieces that are oriented in a plane of the screen in which the bar is oriented. On the contrary, Bernard, AAPA, and Carter are all silent regarding such endpieces, and Kraeutler teaches an endpiece 46 that is very clearly disposed out of plane with the edge of the curtain 31A. In fact, it is notable that the curtain 31A of Kraeutler is very different that which is disclosed by Applicant in that it does not sheath the bar 30.

Applicant next and respectfully asserts that none of Bernard, AAPA, Kraeutler, and Carter taken alone or in combination, teach a spacer between to stiffening bars. On the contrary, the spacer 15 of Bernard is clearly shown in Figures 13-15 to wrap around, not between the bars 11, 11'. In addition, the alleged spacer 51 of Kraeutler is merely a base portion (please see column 6, lines 25-31) that would lie flush against the alleged bars of any two curtains in the same manner that base portion 43 lies flush against the bar 30 shown in Figure 12. This portion 51 would therefore fail to even overlap with any bar 30 taught in Kraeutler, precluding it from being disposed between any two bars taught therein. As both Carter and AAPA fail to teach any sort of spacer, they do not remedy these deficiencies of Bernard and Kraeutler.

Applicant further and respectfully asserts that none of Bernard, AAPA, Kraeutler, and Carter taken alone or in combination, teach a roller extending from a spacer as defined in the claims. On the contrary, Bernard, AAPA, and Carter are all silent regarding rollers, and Kraeutler teaches a roller that merely extends from base 43. As mentioned above, this plate 43 does not extend in any way between/into the bar 30.

For at least the above reasons, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 1-3, 5, 11, 15, and 16-20 with respect to the proposed combination of Bernard, AAPA, Kraeutler, and Carter. Since the proposed combination of Bernard, AAPA, Kraeutler, and Carter fails to teach or suggest all of the limitations of claims 1-3, 5, 11, 15, and 16-20, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify or combine the references, or a reasonable likelihood of success in forming the claimed invention by modifying/combining. Thus, here again, *prima facie* obviousness does not exist. *Id.* Applicant also respectfully notes that Claim 21 has been cancelled.

Claims 7, 10-11, and 13-14 have also been variously rejected under 35 U.S.C. §103(a) as being obvious over Bernard in view of AAPA, Kraeutler, carter, United States Patent No. 5,207,256 to Kraeutler ("Kraeutler '256" hereinafter), United States Patent No. 5,141,043 to Kraeutler ("Kraeutler '043" hereinafter), United States Patent No. 6,119,758 to Coenraets ("Coenraets" hereinafter), and Japanese reference No. 2002142967 to Yana ("Yana" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 7, 10-11, and 13-14 depend from claim 1. As such, for at least the reasons discussed with regards to claims 1 and 19, the proposed combination of Bernard, AAPA, Carter, and Kraeutler does not teach every element of Applicant's claims 7, 10-11, and 13-14. As none of Kraeutler '256, Kraeutler '043 Coenraets, and Yana remedy the deficiencies of Bernard, AAPA, Carter, and Kraeutler, Applicant further and respectfully asserts that any proposed combination of Bernard, AAPA, Kraeutler, Carter, Kraeutler '256, Kraeutler '043 Coenraets, and Yana does not teach every element of Applicant's claims 7, 10-11, and 13-14. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 7, 10-11, and 13-14 with respect to any proposed combination of Bernard, AAPA, Kraeutler, Carter, Kraeutler '256, Kraeutler '043 Coenraets, and Yana. Since any proposed combination of Bernard, AAPA, Kraeutler, Carter, Kraeutler '256, Kraeutler '043 Coenraets, and Yana fails to teach or suggest all of the limitations of claims 7, 10-11, and 13-14, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, it is respectfully submitted that *prima facie* obviousness does not exist. *Id.*

New Claim 22

Applicant's new claim 22 recites *inter alia*,

“wherein the screens are disposed about opposing surfaces of the filler endpieces and guide endpieces.”

None of Bernard, AAPA, Kraeutler, and Carter taken alone or in combination, teach guide end pieces that are oriented in a plane of the screen in which the bar is oriented. On the contrary, Bernard, AAPA, and Carter are all silent regarding such endpieces, and Kraeutler teaches a screen 31A that is disposed away from any surface of the endpiece 46, and certainly not disposed at opposing surfaces thereof.

Conclusion

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,

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